REMARKS

Reconsideration of the present application, as amended, is respectfully requested. Claims 1, 6, 10, 14-17, 19, 20, 22, 27, 32-36 and 40 have been amended. Claims 41-50 have been added. Therefore, claims 1-50 are presented for examination.

The Examiner objected to the specification as stating the application was related to application serial no. 09/759,108 without stating the relationship. Applicants have amended specification to state the application incorporates by reference the prior application. No new matter has been added.

Claims 1-5, 7-17, 19-26 and 28-40 stand rejected under 35 U.S.C. § 101 because the Examiner states the claims have no connection to the technological arts and are directed to non-statutory subject matter. Examiner suggested that Applicants amend the claims to recite a medium within the technological arts to which the present invention belongs. Applicants have amended the claims to claim a data network. Applicants respectfully submits that the claims claim statutory subject matter under 35 U.S.C. § 101 and respectfully request the withdrawal of the rejection of the claims.

Claims 1-40 stand rejected under 35 U.S.C. § 103(a) as being obvious over Ginter et. al (US Patent No. 5,892,900). Because the single reference does not teach the invention as claimed in claims 1-40, Applicants assumes the Examiner is taking Official Notice of the missing elements. Applicants respectfully objects to such Official Notice and requests the Examiner cite references in support of his position.

Ginter discloses methods and systems for electronic commerce including secure transaction management and electronic rights protection. Secure subsystems are used to provide a virtual distribution environment (VDE) that enforces a secure chain of handling and control (Ginter, column 9, lines 19-32). In particular, a content distributor uses the secure subsystems with financial providers to distribute electronic rights protected content to the end-user (Ginter, column 6, lines 20-32). VDE includes capabilities to track billing and revenue information.

Claim 1, as amended, recites:

A method for tracking transactions involving media assets on a data network, said data network being serviced by one or more service providers, the method comprising:

tracking information characterizing a particular media asset of interest that is uploaded to the data network;

receiving a request to engage one or more of said service providers to perform one or more services for the particular media asset; and

tracking transaction information allowing billing of the requested services, wherein the transaction information includes information indicating which of the service providers performed a service for the particular media asset.

(Claim 1, as amended.) The Examiner states the following claim limitations represent nonfunctional descriptive material and are not functionally involved in the steps recited:

"...characterizing a particular media asset of interest that is uploaded to the data network";

"...to engage one or more of said service providers to perform one or more services for the particular media asset"; and

"...allowing billing of the requested services, wherein the transaction information includes information indicating which of the service providers performed a service for the particular media asset"

Nonfunctional descriptive material is descriptive material that cannot exhibit <u>any</u> functional interrelationship with the way in which computing processes are performed (MPEP 2106 IV B, 1 (b)). However, the claim limitations cited do have a functional interrelationship with the way the process is performed, and affect the computing process functionality. For example, tracking transaction information that indicates which service providers performed which media asset service discloses the type of transaction information the computing process specifically tracks. For example, as is described in the Specification, in one embodiment, the system tracks an e-commerce transaction by identifying the user, the service provider, amount, time and service ordered (SQL table ECOM_TRANSACTION_SUMMARY_T, p. 24, line 1 – p. 25, line 25). Therefore, the step of "tracking the transaction information" which includes "information indicating which of the service providers performed a service" is not a non-functional limitation, but rather has a direct effect on the computing process. Thus, these claim limitations are functionally related to the computing process and are not nonfunctional descriptive material.

The Examiner noted that Ginter does not teach or suggest any of the above claim limitations. Since these limitations provide a functional interrelationship with the way computing processes are performed, Applicants respectfully submit that these limitations make the claims of the present invention non-obvious over Ginter. Accordingly, Applicants respectfully submit that claim 1, and claims 2-21 and claim 41 which depend on claim 1, are not obvious over Ginter.

Similarly, claim 22, as amended, recites:

> A system for tracking and managing media assets on a data network, said data network being serviced by one or more service providers, the system comprising:
> a module for receiving uploading of a particular media asset of interest that is uploaded to the data network;
> a module for processing a request to engage one or more of said service providers to perform one or more services for the particular media asset; and
> a module for tracking transaction information pertaining to billing of the requested services, wherein said transaction information includes information indicating which service providers performed a service for the particular media asset, and posting credits and/or debits to accounts of the service providers that were engaged.

(Claim 22, as amended.) As noted above, the Examiner has admitted that Ginter does not teach or suggest a module for tracking transaction information, including indicating which service providers performed a service for the particular media asset service. Therefore, claim 22, and claims 23-39 and 42-43 that depend on claim 22, are not obvious over Ginter.

Newly added claim 44, recites:

> A method for tracking transactions involving media assets on a data network, the data network being serviced by one or more service providers, the method comprising:
> receiving at a media gateway a particular media asset of interest, wherein the media gateway is associated with the data network;
> tracking information characterizing the particular media asset when the particular media asset is received by the media gateway, wherein the information characterizing the particular media asset is not tracked until the particular media asset is received by the media gateway;
> receiving request to engage one or more of said service providers to perform one or more services for the particular media asset; and
> tracking transaction information allowing billing of the requested services, wherein the transaction information includes information indicating which of the service providers performed a service for the particular media asset.

(Claim 44). Ginter does not teach or disclose adding tracking information characterizing a media asset when the media asset is received at a media gateway. Rather, Ginter describes a system where content users directly communicate with the content distributor without a media gateway. (Ginter, Figure 2). Therefore, claim 44 and claims 45-50 that depend on claim 44, are not obvious over Ginter.

Applicants respectfully submit that in view of the amendments and discussion set forth herein, the applicable rejections have been overcome. Accordingly, the present and amended claims should be found to be in condition for allowance.

If the Examiner determines the prompt allowance of these claims could be facilitated by a telephone conference, the Examiner is invited to contact Eric Replogle at (408) 720-8300.

Authorization is hereby given to charge our Deposit Account No. 02-2666 for any charges that may be due.

Respectfully submitted,

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